

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10030059-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Oliver D. Landolt

Serial No.: 10/636,098

Examiner: K. V. Nguyen

Filing Date: 08/07/2003

Group Art Unit: 2817

Title: SYSTEM AND METHOD FOR PROVIDING A LOSSLESS AND DISPERSION-FREE
TRANSMISSION LINE

COMMISSIONER FOR PATENTS

PO Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	20	MINUS	20	= 0	X \$18	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$88	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$300	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$430.00	3RD MONTH \$980.00	4TH MONTH \$1530.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

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Date of Deposit 12/20/2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By Craig J. Cox
Typed Name: Craig J. Cox

Respectfully submitted,

Oliver D. Landolt

By

Michael A. Papalas

Attorney/Agent for Applicant(s)
Reg. No. 40,381

Date: 12/20/2004

12 - 21 - 04

IFW

Agilent Technologies, Inc.
Intellectual Property Administration
Legal Dept., M/S DL 429
P.O. Box 7599
Loveland, CO 80537-0599

Docket No.: 10030059-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Oliver D. Landolt

Application No.: 10/636,098

Confirmation No.: 9127

Filed: August 7, 2003

Art Unit: 2817

For: SYSTEM AND METHOD FOR PROVIDING A
LOSSLESS AND DISPERSION-FREE
TRANSMISSION LINE

Examiner: K. V. Nguyen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action dated November 18, 2004, Applicant hereby provisionally elects the claims identified by the Examiner as Group I (claims 1-11) for continued examination. The election is being made WITH TRAVERSE. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement in light of the arguments set forth below.

Restriction is proper if two criteria are satisfied, namely that the inventions are independent or distinct, and that there is a serious burden on the Examiner. See, M.P.E.P. § 803.

The Office Action states that the inventions of Group I and II are unrelated. Inventions are unrelated if it can be shown that they are capable of use together and they have different modes of operation, different functions, or different effects. M.P.E.P. § 806.04, M.P.E.P. § 808.01. The Examiner states that the different invention of Group I has different

effects, functions and mode operation with respect to the combination of Group II, namely, with respect to Groups I and II, the device of Group I is “related to transmission line having the connection thereof and Group II related a method of transmitting a.c. signal”.

Applicant would respectfully traverse the Examiner’s characterization of the inventions of Group I and II as independent under M.P.E.P. § 806.04. By the Examiner’s own admission, the inventions of Group I and II are related as a transmission line and method of transmitting, and therefore, are related invention under M.P.E.P. § 806.05, and more specifically, a product and process of using the product under M.P.E.P. § 806.05(h). While the Applicant agrees that the claims of Group I and II are related under M.P.E.P. § 806.05, Applicant would traverse the Examiner’s characterization of the Group I claims being drawn to an amplifier having coupling means (Group I description), and to the Group II claims being drawn to a method of transmitting. Nowhere do the claims of Group I include the words “amplifier having coupling means”, and the claims of Group II do not include the word transmitting.

As Groups I and II are related as a product and process of using, one way distinctness must be shown, that is, either (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. M.P.E.P. § 806.05(h). The burden is on the Examiner to provide an example. *id.*

As the Examiner has failed to provide an example of how the process of using can be practiced with another materially different product, or how the product as claim can be used in a materially different process, the Examiner’s requirement for restriction is improper and should be withdrawn.

Further, it is well settled that for inventions to be distinct, there must be a serious burden on the Examiner if restriction is not required. See, M.P.E.P. § 803. Applicant respectfully traverses the Examiner’s statement that the search required for Group I is not required for Group II. Applicant also believes that a reasonable search for the invention of Group I would overlap with the search for Group II, as both groups have common limitations such as primary conductors (claims 1 and 7 of Group I, and claim 12 of Group II), auxiliary

conductors (claims 1 and 7 of Group I, and claim 12 of Group II), coupling the first primary conductor and the auxiliary conductor (claims 1 and 7 of Group I, and claim 12 of Group II), and ground conductors (claims 1 and 7 of Group I, and claim 12 of Group II). Thus, Applicant believes that there is no serious burden on the Examiner so as to require restrictions between Groups I and II. Applicants believe that any search on the inventions in Groups I and II would include class, 257, subclass 664, and class 333, subclass 213.

As the inventions of Groups I and II have similar elements and would requires searches in the same class/subclasses, Applicant believes that there is no serious burden on the Examiner and restriction is not required.

Although, provisionally electing the claims of Group I identified in the restriction requirement for further prosecution, Applicant has shown that the requirement for election is improper and should be withdrawn. Applicant respectfully requests that the Examiner withdraw the restriction requirement and examiner each of pending claims 1-20.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-1078, under Order No. 10030059-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482746000US in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: 12/20/2004

Typed Name: Craig J. Cox

Signature: 

Respectfully submitted,

By: 

Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No. 40,381
Date: December 20, 2004
Telephone No. (214) 855-8186